

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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SEP 30 1997

In the Matter of)

Amendment of Part 90 of the)
Commission's Rules to Facilitate)
Future Development of SMR)
Systems in the 800 MHz Frequency Band)

PR Docket No. 93-144
RM-8117, RM-8030,
RM-8029

Implementation of Sections 3(n) and 322)
of the Communications Act -- Regulatory)
Treatment of Mobile Services)

GN Docket No. 93-252

Implementation of Section 309(j) of the)
Communications Act -- Competitive Bidding)

PP Docket No. 93-253

To: The Commission

Comments in Support of AMTA's Petition for Reconsideration

The Industrial Telecommunications Association, Inc. ("ITA"), pursuant to Section 1.429(f) of the Rules and Regulations of the Federal Communications Commission ("Commission"), respectfully submits these comments in support of the "Petition for Reconsideration" filed by the American Mobile Telecommunications Association, Inc. in the above captioned proceeding.¹

I. Introduction

1. ITA has been an active participant in this proceeding, filing various comments, reply

¹ *Second Report and Order* (FCC 97-223), PR Docket No. 93-144, adopted June 23, 1997, released July 10, 1997, ("Second Report").

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comments, petitions for reconsideration, and *ex parte* comments dating back to 1993.

Throughout this proceeding, ITA has maintained that the overlaying of commercial licensing schemes on spectrum that is heavily occupied by private users is unsound spectrum policy, and contrary to Congressional intent. However, the Commission has decided that the development of SMR systems as a viable competitor to cellular and PCS systems is a policy objective that overrides the continued development of private non-SMR systems in the 800 MHz band.

2. Most recently, in its own petition for reconsideration, ITA requested that the Commission clarify the level of protection afforded to incumbent licensees in the General Category pool, and reconsider its general policy determination that internal radio systems can satisfy their spectrum needs within the context of a commercial licensing scheme.²

3. Now, ITA comments in support of AMTA's petition that the Commission modify the interference protection afforded lower channel incumbents from EA licensees.³

II. Comments

4. In its petition, AMTA urges the Commission to modify its new rule 90.693(c).⁴ Under the new rule 90.693(c) promulgated in the *Second Report and Order*: "Incumbent licensees that have received the consent of all affected parties to utilize an 18 dBμ signal strength interference contour shall have their service area defined by their originally-licensed 36 dBμ V/m field strength

² "Petition for Clarification and Reconsideration", filed by the Industrial Telecommunications Association, Inc., on September 2, 1997 ("ITA Petition").

³ "Petition for Reconsideration of the American Mobile Telecommunications Association, Inc. on the Second Report and Order", filed September 2, 1997 ("AMTA Petition").

⁴ 47 C.F.R. § 90.693(c).

contour.”⁵ The AMTA petition requests that the Commission define incumbents 18 dBμ V/m interference contour and 36 dBμ V/m service area contour, using the station’s licensed height above average terrain (“HAAT”) and the maximum permissible effective radiated power (“ERP”) rather than on the “originally-licensed” parameters of the station. ITA supports AMTA’s request.

5. By defining an incumbents 36 dBμ V/m service area contour using the stations maximum permissible effective radiated power, the Commission will establish a definite predictable service area contour for incumbents that otherwise might be subject to misinterpretation. Because many licensees have been required to “power down” to comply with the Commission’s short spacing rules, EA licensees may be unable to obtain accurate information for all adjacent incumbent licensees. The resulting uncertainty could dramatically increase the potential for interference.

6. ITA also supports AMTA’s position that using the maximum permissible ERP rather than the currently licensed ERP standard is consistent with the current incumbent-to-incumbent standards for co-channel interference.⁶ ITA agrees with AMTA when it states: “The Commission has not articulated any basis for providing a lesser level of protection *vis-a-vis* EA-to-incumbent operations when in fact, the possibility of multiple, geographically proximate EA stations may result in a greater probability of interference potential.”⁷

⁵ *Id.*

⁶ AMTA petition at 6.

⁷ *Id.* at 6.

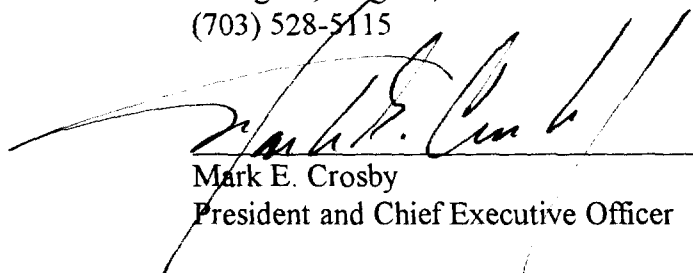
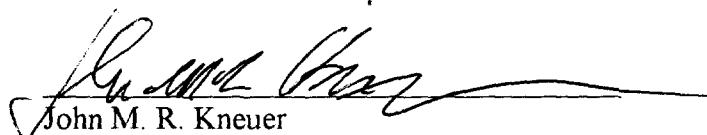
III. Conclusion

7. In its own petition for clarification, ITA requested that the Commission clarify the level of protection that incumbent licensees will receive from EA licensees.⁸ ITA believes that the AMTA proposal provides a simple method for putting EA licensees on notice as to the level of protection they must provide incumbent licensees. Accordingly, ITA urges the Commission to adopt the AMTA proposal.

Respectfully Submitted,

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⁸ ITA petition at 3-4.

Certificate of Service

I, Barbara Levermann, the Executive Assistant to the President and CEO of the Industrial Telecommunications Association do hereby certify that a copy of the foregoing "Comments in Support of AMTA's Petition for Reconsideration" has been served this 30th day of September, 1997, by mailing U.S. First-Class, postage prepaid to the following:

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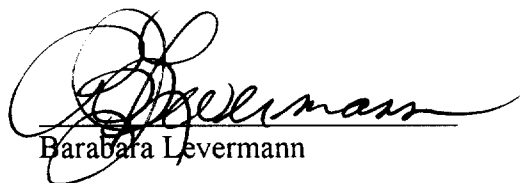
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